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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) No.: CR-07-0559 JSW
14 Plaintiff,) [PROPOSED]
15 v.) ORDER OF DETENTION
16) PENDING TRIAL
17 MICHAEL YOUNG,)
18 Defendant.)

19 This matter came before the Court on August 30, 2007 for a detention hearing.
20 Defendant Michael Young was present and represented by Assistant Federal Public Defender
21 Elizabeth Falk. Assistant United States Attorney Allison Danner appeared for the United States
22 of America.

23 Pretrial Services submitted a report that recommended detention to the Court and
24 to the parties. A representative of Pretrial Services was present at the hearing. The government
25 requested detention, and the defendant opposed the motion. Arguments relating to detention
26 were submitted by the parties at the hearing.

Upon consideration of the facts and arguments presented, the Court finds by a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure the appearance of the defendant as required. Accordingly, the Court concludes that the defendant must be detained pending trial in this matter. The present order supplements the Court's findings at the detention hearing and serves as a written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(i)(1).

After considering the four factors set out in 18 U.S.C. § 3142(g), the Court concludes that no conditions of release will reasonably assure the appearance of the defendant at proceedings on this matter. In particular, the court notes that the Pretrial Services Report confirms that the defendant failed to appear at a court appearance in June of 2007 and was the subject of an outstanding warrant when he was arrested in this case. In addition, the defendant has violated parole and has had his probation revoked in connection with his past crimes. Furthermore, the defendant is homeless and has admitted, through his counsel, to ongoing substance abuse. Defendant has no family in the Northern District of California. The Court finds it particularly pertinent that neither the defendant's mother nor a close friend were willing to act as a surety to guarantee his appearance in this case. That the individuals who know the defendant best lack confidence that the defendant will appear in this matter has weighed heavily in this Court's decision.

Accordingly, based on all of the evidence above, the Court finds by a preponderance of the evidence that no condition or combination of conditions of release will reasonably assure the appearance of the defendant as required.

Pursuant to 18 U.S.C. § 3142(i), IT IS ORDERED THAT:

(1) the defendant be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody

1 pending appeal;
2 (2) the defendant be afforded reasonable opportunity for private consultation with
3 his counsel; and
4 (3) on order of a court of the United States or on request of an attorney for the
5 government, the person in charge of the corrections facility in which the defendant
6 is confined shall deliver the defendant to an authorized Deputy United States
7 Marshal for the purpose of any appearance in connection with a court proceeding.

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9 Dated: Aug. 31, 2007
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